

Disposition of the Independent Review Panel



Complainant: Ileana Hollant, RN

IRP Case: A 2005.043

Date: January 27, 2006

MDPD Case: IA 2005-0010

The Independent Review Panel met on January 26, 2006 for the purpose of publicly reviewing the complaint made by Ileana Hollant, RN against the Miami-Dade Police Department and the department's response to that complaint.

A. Recommendations

1. That MDPD Director Parker reassess the Internal Affairs investigation and discipline Officer Richard Closius for overreacting, using excessive force and conduct unbecoming a county employee.
2. That MDPD require Officer Closius to receive anger management training to help him cope with stressful situations.
3. That MDPD and JMH develop a written joint policy statement to address police requests/orders and JMH Ward D nursing staff response.
4. That MDPD Director Parker review the MDPD Disposition Panel conclusions in light of the I.A. investigation and counsel Major Ramon Secades, Major Mark Jeter, Major A. Galindo, the members of this MDPD disposition Panel on the necessity that dispositions be supported by documented facts.

B. Incident

On Friday, January 7, 2005 at approximately 11:15 p.m., Ms. Hollant was beginning her shift in Jackson Memorial Hospital Ward D, when she was confronted by Officer Closius, who had brought in a man arrested for DUI. Ms. Hollant stated that as she proceeded to walk to the Triage Nurse Station at the end of the hall to find her assignment for the day, Dr. Alexander Amadio informed her that the detainee was waiting for a blood draw.

Ms. Hollant stated that Officer Richard Closius, began talking to her as she was walking towards the Nurse Station, saying repeatedly, "Let me explain something to you," as he followed her. Ms. Hollant tried to explain to the officer that he would have to wait because of the shift change, and that she had to find her assignment before she could begin her duties.

Ms. Hollant stated that Officer Closius then grabbed her by the right arm and held her. Ms. Hollant responded in a loud voice, "This is police brutality," as Officer Closius held her arm for approximately one minute, and finally released her.

Ms. Hollant was arrested for Resisting Arrest without Violence. The charge was later lowered to Refusing to Aid a Police Officer. On March 3, 2005, the case was dismissed by the Court.

C. Allegations

1. Officer Richard Closius used excessive force when he grabbed Ms. Ileana Hollant by the right arm causing an injury.
2. Officer Richard Closius overreacted when he arrested Ms. Ileana Hollant.

D. Disposition of the Independent Review Panel

1. Allegation 1: Officer Richard Closius used excessive force when he grabbed Ms. Ileana Hollant by the right arm causing an injury – **SUSTAINED**.

In the Arrest Affidavit, Officer Closius wrote that when he called for Ms. Hollant to stop because he needed a blood sample drawn, Ms. Hollant replied that he would have to wait for the shift change and continued walking down the hall. Since Ms. Hollant did not stop or turn toward him, he grabbed her arm to get her to stop.

The MDPD Departmental Manual provides that “Reasonable use of force may be utilized in situations which cannot be controlled otherwise. However, other reasonable alternatives should be exhausted or clearly be ineffective prior to the application of force.”

There was no cause for Officer Closius to use force to prevent Ms. Hollant from walking away from him. Ms. Hollant was not fleeing; she was in a locked facility. She was a nurse on her way to report for duty at the nurses’ station down the hall.

2. Allegation 2: Officer Closius overreacted when he arrested Ms. Ileana Hollant - **SUSTAINED**.

Officer Closius’ behavior meets the criteria for overreaction:

- a. JMH staff witnesses used the following words to describe Officer Closius’ behavior: threatening, shouting loudly, overreaction, excessive force, using the words “shut up,” harassment and intimidation.
- b. Officer Closius stated in the Arrest Affidavit that Ms. Hollant refused to comply with his lawful order to stop. He charged her with Resisting Arrest without violence.
- c. Officer Closius’ decision to grab and arrest Ms. Hollant negatively impacted police relations with the nurses who work in Ward “D.” Associate Head Nurse Cummings testified that since the incident with Officer Closius, nurses are afraid to interact with police officers.

E. Other Findings

1. Ms. Hollant did not refuse to draw blood; she refused to respond to Officer Closius' request *immediately* because, as she explained to the officer, the staff was in the process of a shift change. Hospital policy requires that, when a nurse reports for duty, her first responsibility is to get her assignment for the day from the supervisor, who in this case was Associate Head Nurse Cummings.
2. Officer Closius wanted blood drawn from his DUI arrest immediately. He was concerned about the lapse in time from the accident to the blood draw (three hours). The three-hour lapse was primarily due to geography, not the actions of Ms. Hollant. Officer Closius stated:

“It was a crash that occurred on the far north end of the County. When I came on, I come from the south; it took me a long time. I conducted my roadsides, then I had to transport all the way back to the middle of the County.”

The crash occurred at 8:34 PM. Officer Closius arrived at Ward D with his prisoner at 10:58 PM (two hour 24 minute lapse). Blood was drawn at 11:35 PM (37 minute lapse).

3. Officer Closius was discourteous to Associate Head Nurse Cummings when he told her to “shut-up” several times.
4. The MDPD disposition does not accurately reflect the Internal Affairs (IA) investigation:
 - a. The IA investigation does not support the conclusion that Ms. Hollant “attempted to walk at an accelerated pace to flee...”
 - b. The MDPD disposition cites only testimony that supports Officer Closius. The disposition consistently ignores testimony that supports the allegations, such as:
 - Nurse Lynette Dasilva described Officer Closius' behavior as “threatening,” “overreaction” and “shouting loudly.”
 - Nurse Kenneth Reynaud said Officer Closius “overreacted.”
 - Administrative Staff employee Cynthia Bethel said Officer Closius used “excessive force” and “overreacted.”
 - Associate Head Nurse Cheryl Cummings described Officer Closius' actions as “harassment and intimidation.” She felt that the officer “used excessive force and physically assaulted an on-duty nurse.”

c. The following MDPD Disposition Panel conclusions are erroneous:

- “Officer Closius contacted... Mr. Bart Armstrong, Legal Advisor of the Miami-Dade Police Department... [who said] that Officer could make a lawful arrest based on the actions demonstrated by Ms. Hollant.” Mr. Armstrong’s legal position regarding Mr. Hollant’s arrest was documented in an email from Bart Armstrong to Major Ricky Smith, written four days after the incident. Officer Closius stated that he learned through the “chain of command that Police Legal agreed it was a proper arrest.”
- “Ms. Hollant advised in her own statement that she ignored Officer Closius’ request to withdraw the blood...” Ms. Hollant did not say this.
- “It was not necessary to hear Ms. Hollant’s explanation since she already established a position, by her own actions, that she had no intention of assisting Officer Closius.” Ms. Hollant’s actions established that she intended to follow hospital procedure by reporting to her supervisor before performing her duties, not that she had no intention of assisting Officer Closius.

F. Observations to Promote Healthy Police/Citizen Interactions:

Both the officer and the nurse had job requirements they needed to fulfill. The officer needed to get blood drawn from his subject within a time frame. The nurse needed to report to her supervisor for her shift assignment before commencing her shift. Grabbing a registered nurse, who was doing her job, to get her attention was disrespectful. Arresting her contributed to an adverse attitude on the part of some Ward D staff toward police officers.

Although the officer has the greater responsibility in making citizen contacts which inspire respect and generate cooperation, the nurse also had a professional responsibility to an officer who was seeking Ward D services for his subject. Yelling “police brutality” escalated the situation.

The actions of the police officer impacted the response of the nurse. The actions of the nurse impacted the response of the police officer.

The Independent Review Panel concluded the complaint on January 26, 2006.

Independent Review Panel

Committee Recommendation to the Panel

January 26, 2006

Complaint: A 2005.043

MDPD Case: IA2005-0010

Complainant: Ileana Hollant, RN

Accused Party: Miami-Dade Police Department (MDPD), Officer Richard Closius

Date Complaint Received: March 3, 2005

Materials Reviewed: Correspondence, IA Case 2005-0010, staff notes and committee notes

Committee: Julia Dawson Esq., Panel Member; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant to the Director; Linda Pierre, Conflict Resolution Specialist.

Meeting Date: October 18, 2005

Present: Sgt. Jose Lugo, MDPD Professional Compliance Bureau; Ms. Ileana Hollant, Complainant, Mr. Emile Hollant (Complainant's Husband); and Cheryl B. Cummings (Associate Head Nurse), Witness.

Complaint: On March 3, 2005, Ms. Hollant, accompanied by her husband came into the IRP office to file a complaint against Miami-Dade Police Officer R. Closius. Ms. Hollant is a Registered Nurse (RN) at Jackson Memorial Hospital (JMH), Ward D, the Detention Ward.

Ms. Hollant stated that on Friday, January 7, 2005 at approximately 11:15 p.m., she was beginning her shift in Ward D, when she was confronted by Officer Closius, who had brought in a man arrested for DUI. Ms. Hollant stated that as she entered Ward D through the main entrance on the second floor, she saw a detainee waiting. Ms. Hollant stated that as she proceeded to walk to the Triage Nurse Station at the end of the hall to find her assignment for the day, she saw Dr. Alexander Amadio and informed him about the detainee who was waiting in the front area. Dr. Amadio informed Ms. Hollant that the detainee was waiting for a blood draw. Ms. Hollant then asked Dr. Amadio for Ms. Lynnette Dasilva, who is an Advance Registered Nurse Practitioner (ARNP). Dr. Amadio told Ms. Hollant that Ms. Dasilva was in the back at the In-Patient Nurse Station. Ms. Hollant believed Ms. Dasilva was the nurse indicated to draw blood.

Ms. Hollant stated that Officer Richard Closius, who was standing in the Triage Station area, began talking to her saying, "Let me explain something to you," as she was walking towards the In-Patient Nurse Station to locate Ms. Dasilva. Ms. Hollant stated that Officer Closius again said, "Let me explain something to you," as he followed her. Ms. Hollant stated that she did not listen to Officer Closius and tried to explain to him that he would have to wait because of the shift change, and that she had to find her assignment.

Ms. Hollant stated that Officer Closius then grabbed her by the right arm and held her. Ms. Hollant added that in a loud voice she said, "This is police brutality," as Officer Closius held her arm for approximately one minute, and finally released her.

Ms. Hollant stated that her supervisor, Associate Head Nurse (AHN) Ms. Cheryl Cummings, instructed her to respond to JMH Emergency Room for examination. There she was given an ice pack for her arm and a prescription for Motrin. Ms. Hollant stated that she sustained bruises and scratches to her right arm because of Officer Closius' actions.

Ms Cummings called the police to complain about Officer Closius' aggressive behavior. Sgt. Flarity, Officer Closius' supervisor responded and met Ms. Hollant in the emergency room.

Ms. Hollant was arrested for Resisting Arrest without Violence. The charge was later lowered to Refusing to Aid a Police Officer. On March 3, 2005, the case was dismissed by the Court.

Allegations:

1. Officer Richard Closius used excessive force when he grabbed Ms. Ileana Hollant by the right arm causing an injury.
2. Officer Richard Closius overreacted when he arrested Ms. Ileana Hollant.

Department Response-IA Investigation 2005-0010

MDPD Disposition Panel: Major Ramon Secades, Major Mark Jeter, Major A. Galindo

I.A. Complaint Investigator Sgt. Jose Lugo.

MDPD investigated the allegation that Officer Closius grabbed her by the right arm causing injury. The MDPD Disposition Panel found the allegation to be Not Sustained. The following is excerpted from the disposition:

Officer Closius stated that Ms. Ileana Hollant ignored his request for assistance. Officer Closius stated that when Ms. Hollant observed him with his prisoner, she immediately turned away from him and raised her right hand in a dismissive manner and told him he needed to wait. Officer Closius stated that he asked Ms. Hollant to stop, but she continued to walk away from him, waving her hand laughing, and shaking her head back and forth. When Officer Closius finally caught up to her, he grabbed Ms. Hollant's right arm above the wrist with his left hand, and told Ms. Hollant that she was interfering with his investigation and was under arrest. Officer Jose Negrón, United States Customs and Border Protection, advised in his taped statement he had observed Ms. Hollant ignore Officer Closius' request to assist him. Officer Negrón also observed Ms. Hollant yank her arm away from Officer Closius causing her to become injured and clearly resisting the lawful orders of Officer Closius. In addition, Officer Closius contacted Mr. Jose Valdor, DUI/ Traffic Court Assistant Chief of the Miami-Dade County State Attorney's Office and Mr. Bart Armstrong, Legal Advisor of Miami-Dade Police Department. They both concurred that Officer Closius could make a lawful arrest based on the actions demonstrated by Ms. Hollant; therefore, the allegation was **Not Sustained**.

MDPD investigated the allegation that Officer Closius did not give Ms. Hollant the opportunity to explain what she was doing and arrested her. The MDPD Disposition Panel found the allegation to be Not Sustained. The following is excerpted from the disposition:

Ms. Hollant advised in her own statement that she ignored Officer Closius' request to withdraw the blood. When Officer Closius entered Ward D and entered the waiting area with his prisoner, he was advised by Corrections Officer Cyril White, that "we're having a problem because some of the nurses don't want to take blood, because of their interpretation of the Florida Statue requiring them to do so." In addition, Corrections Officer White heard Officer Closius request Ms. Hollant several times to stop to assist him, but she continued walking away from him. Officer White advised that Ms. Hollant stated, "wait a minute, or I'm busy." It was not necessary to hear Ms. Hollant's explanation since she already established a position, by her own actions, that she had no intention of assisting Officer Closius. Officer Closius did not overreact concerning the decision to arrest her. Officer Closius could have taken Ms. Hollant to a correction facility. Instead, he used discretion in having her sign the arrest affidavit. Therefore, the allegation was **Not Sustained**.

Witness Statements

Ms. Lynette DaSilva, Registered Nurse Practitioner (RNP)

Ms. DaSilva stated that she saw Ms. Hollant walking up the corridor and Officer Closius following her in a "threatening way," shouting loudly, "Stop, turn around" at least three times. Ms. DaSilva stated that she only saw Officer Closius hold Ms. Hollant's arm for a short period of time. She thought the officer's actions were an overreaction.

Mr. Kenneth Reynaud, Advance Nurse Practitioner (ANP)

Mr. Reynaud stated that he observed Officer Closius walking behind Ms. Hollant up to the In-Patient Nurse Station. Mr. Reynaud stated that at some point he understood that Officer Closius wanted Ms. Hollant to draw blood from a patient on a blood/alcohol case. Mr. Reynaud stated that Ms. Hollant was not assigned to the Triage Nurse Station. Mr. Reynaud stated that he noticed a "blue mark" on Ms. Hollant's right arm, but did not see Officer Closius grab or physically restrain Ms. Hollant. He believes Officer Closius overreacted.

Ms. Cynthia Bethel, Administrative Staff

Ms. Bethel stated that she entered the Nurse's Station and saw Officer Closius walking back and forth arguing with nurses that were in the station. Ms. Bethel stated that the nurses and Officer Closius were talking at the same time, trying to talk over each other. Ms. Bethel stated that Ms. Hollant's arm was bruised and red. Ms. Bethel stated that she did not see Officer Closius grab or hold Ms. Hollant by the arm or hear verbal exchanges between them, but thought that Officer Closius used excessive force against Ms. Hollant based on Ms. Hollant's injury, and that Officer Closius overreacted.

Ms. Cheryl Cummings, Associate Head Nurse (AHN)

Ms. Cummings stated that she was in patient room 335 when she heard a “loud commotion.” Ms. Cummings stated that she heard Officer Richard Closius yelling, “Stop, stop, you have to draw this blood now.” Ms. Cummings stated that she heard Ms. Hollant telling Officer Closius that she had to do a report and would be back, at which time Officer Closius yelled, “shut up.” Ms. Cummings stated that she told Officer Closius that Ms. Hollant was not assigned to the Triage Station, and that he needed to go back to the front, at which time Officer Closius then told her, “You shut up,” in a loud voice. Ms. Cummings stated that she saw the redness and bruising to Ms. Hollant’s arm, but did not see Officer Closius grab or physically restrain Ms. Hollant.

Corrections Officer George Hubbard

Officer Hubbard stated that he was completing paperwork in the front area of the In-Patient Nurse’s Station, when he heard Officer Closius talking to Ms. Hollant in a loud voice. Officer Hubbard stated that Officer Closius repeated “Stop, stop now,” two or three times. Officer Hubbard observed Ms. Hollant walking away from Officer Closius towards the In-Patient nurses Station. Officer Hubbard stated that he thought Officer Closius and Ms. Hollant were joking at first, until he observed Officer Closius grab Ms. Hollant’s wrist with his right hand. Officer Hubbard observed Ms. Hollant pull away from Officer Closius as she yelled, “Police violence.”

Corrections Officer Cyril White

Officer White stated that Officer Closius entered Ward D at 10:58 p.m. with a blood kit and a blank Complaint/Arrest Affidavit. Officer White instructed Officer Closius to complete the top portion on the Complaint /Arrest Affidavit so that he could make a copy. Officer Closius complied with Officer White’s request. Officer White stated to Officer Closius “We’re having a problem because some nurses don’t want to take blood, because of their interpretation of the Florida Statute requiring them to do so.” Officer White stated that he returned to his paperwork at the Triage desk and did not observe any physical altercation between officer Closius and Ms. Hollant. Officer White did hear Officer Closius state, “Stop, hey stop,” several times to Ms. Hollant. Ms. Hollant replied by stating, “Wait a minute, or I’m busy.”

Corrections Officer Shebra Hill

Officer Hill stated that she heard Officer Closius say something to Ms. Hollant, but did not understand what Officer Closius said. Ms. Hollant stated, “You’re going to have to wait. I have to get my report,” as she walked away from Officer Closius. Officer stated she did not witness any physical altercation between Officer Closius and Ms. Hollant.

Officer Jose Negrón, United States Customs and Border Protection

Officer Negrón stated that he worked a prisoner security detail at JMH Ward D from 4:00 p.m. to 12:00 a.m. Officer Negrón stated that at approximately 11:15 p.m., he was sitting on a chair outside the prisoner’s room on the Ward D corridor, and heard a voice saying. “Stop, stop,” several times. Officer Negrón stated that he looked to his left and saw officer Closius following Ms. Hollant, still asking Ms Hollant to stop. Officer Negrón stated that Ms. Hollant ignored Officer Closius’ commands at which time Officer Closius walked closer to Ms. Hollant from behind, grabbed her arm and stated, “Stop, I need you to stop now, I need to talk to you.” Officer Negrón stated that Ms. Hollant then yanked her arm away from Officer Closius and yelled, “Police brutality, police brutality.” Officer Negrón stated that he did not feel that Officer Closius used excessive force or unnecessary force in his contact with Ms. Hollant because Officer Closius told Ms. Hollant to stop several times and she ignored him.

Officer Antonio Romero, United States Customs and Border Protection

Officer Romero stated that approximately 11:15 p.m., he saw Officer Closius walking behind Ms. Hollant. Officer Closius asked Ms. Hollant to stop several times because he had to talk to her. Officer Romero stated that Ms. Hollant ignored Officer Closius and continued walking, at which Officer Closius grabbed Ms. Hollant by the arm to get her attention. Officer Romero stated that Ms. Hollant began yelling that Officer Closius' treatment was harassment. Officer Romero stated that he did not feel that Officer Closius used excessive or unnecessary force towards Ms. Hollant.

Committee Remarks: The following concerns were discussed during the meeting:

Nurse Triage Station

Ms. Hollant advised the committee that she usually works in the back area and rarely works the front area, where the prisoner was waiting.

Associate Head Nurse Cheryl Cummings (Ward D Supervisor on duty at the time of the incident) stated that she was going to have Ms. Hollant help her count the narcotics before taking over the front nurses station herself.

Administrative Order/Policies regarding drawing a detainee's blood

The MDPD investigative file reflected that some Ward D nurses may be reluctant to draw blood from inmates. Ms. Cummings clarified that statement by stating that Jackson Memorial Hospital had policies and procedures that everyone must follow. Ms. Cummings stated that an officer cannot come in and demand that a nurse drop whatever she or he is doing to draw blood.

Ms. Cummings stated that according to hospital policy, a nurse can refuse to draw blood because of safety issues. If a nurse feels that the procedure would be hazardous to herself/himself or to the patient, the nurse has the right to refuse. Ms. Hollant stated she had no objection to drawing blood from a patient.

Time lapse between witness interviews

Two federal guards were present when the encounter with Ms. Hollant occurred. Sgt. Lugo interviewed everyone on the night of the incident, except for the federal guards who were interviewed four months later. Sgt. Lugo stated that the two federal guards were no longer on the scene by the time he was done with the other witnesses. The majors who sat on the MDPD disposition panel mainly used the testimonies of the federal guards, the only witnesses who corroborated Officer Closius position to Not Sustain the complaint.

Officer Closius' unprofessional behavior

Ms. Cummings stated that when she asked Officer Closius why he grabbed Ms. Hollant, he quickly yelled "shut-up" several times. Ms. Cummings stated that she tried advising Officer Closius that Ms. Hollant was not assigned to the front area and that she (Ms. Cummings) was assigned to draw blood for that shift. Again, Officer Closius yelled at Ms. Cummings to "shut-up."

MDPD Legal Bulletin

MDPD Legal Bulletin Note 2005-2 was written by MDPD Legal Advisor Bart Armstrong five weeks after Ms. Hollant's arrest. It is based on Florida Statute sections 316.1932(c) and 316.1933, and states if a nurse is unwilling to comply with the officer's request to draw blood pursuant to state law, the officer should immediately contact the MDPD Legal Bureau. In addition, the State Attorney's Office should not be contacted prior to speaking to a MDPD Legal Bureau representative.

Other Concerns

This case was detrimental to the professional relationships between the nursing staff at Jackson Memorial Hospital and Miami-Dade police officers. Ms. Cummings added that ever since the incident with Officer Closius occurred, nurses are afraid to interact with police officers.

Committee Findings:

A. Regarding the allegations

1. Officer Richard Closius used excessive force when he grabbed Ms. Ileana Hollant by the right arm causing an injury – SUSTAINED.

In the Arrest Affidavit, Officer Closius wrote that when he called for Ms. Hollant to stop because he needed a blood sample drawn, Ms. Hollant replied that he would have to wait for the shift change and continued walking down the hall. Since Ms. Hollant did not stop or turn toward him, he grabbed her arm to get her to stop.

The MDPD Departmental Manual provides that "Reasonable use of force may be utilized in situations which cannot be controlled otherwise. However, other reasonable alternatives should be exhausted or clearly be ineffective prior to the application of force."

There was no cause for Officer Closius to use force to prevent Ms. Hollant from walking away from him. Ms. Hollant was not fleeing; she was in a locked facility. She was a nurse on her way to report for duty at the nurses' station down the hall.

2. Officer Closius overreacted when he arrested Ms. Ileana Hollant - SUSTAINED.

The MDPD Departmental Manual describes Overreacting as: "characterized by the use of harsh language, unjustified use or display of force..., arrest for minor violations that ordinarily warrant a citation or warning, or exhibition of prejudice. Officers must be sensitive to the impact their actions may have upon the community."

Officer Closius' behavior meets the criteria for overreaction:

- a. JMH staff witnesses used the following words to describe Officer Closius' behavior: threatening, shouting loudly, overreaction, excessive force, using the words "shut up," harassment and intimidation.

- b. Officer Closius stated in the Arrest Affidavit that Ms. Hollant refused to comply with his lawful order to stop. He charged her with Resisting Arrest without violence.
- c. Officer Closius' decision to grab and arrest Ms. Hollant negatively impacted police relations with the nurses who work in Ward "D." Associate Head Nurse Cummings testified that since the incident with Officer Closius, nurses are afraid to interact with police officers.

B. Other Findings:

1. Ms. Hollant did not refuse to draw blood; she refused to respond to Officer Closius' request *immediately* because, as she explained to the officer, the staff was in the process of a shift change. Hospital policy requires that, when a nurse reports for duty, her first responsibility is to get her assignment for the day from the supervisor, who in this case was Associate Head Nurse Cummings.
2. Officer Closius wanted blood drawn from his DUI arrest immediately. He was concerned about the lapse in time from the accident to the blood draw (three hours). The three-hour lapse was primarily due to geography, not the actions of Ms. Hollant. Officer Closius stated:

It was a crash that occurred on the far north end of the County. When I came on, I come from the south; it took me a long time. I conducted my roadsides, then I had to transport all the way back to the middle of the County."

The crash occurred at 8:34 PM. Officer Closius arrived at Ward D with his prisoner at 10:58 PM (two hour 24 minute lapse). Blood was drawn at 11:35 PM (37 minute lapse).

3. Officer Closius was discourteous to Associate Head Nurse Cummings when he told her to "shut-up" several times.
4. The MDPD disposition does not accurately reflect the Internal Affairs (IA) investigation:
 - a. The IA investigation does not support the conclusion that Ms. Hollant "attempted to walk at an accelerated pace to flee..."
 - b. The MDPD disposition cites only testimony that supports Officer Closius. The disposition consistently ignores testimony that supports the allegations, such as:
 - Nurse Lynette Dasilva described Officer Closius' behavior as "threatening," "overreaction" and "shouting loudly."
 - Nurse Kenneth Reynaud said Officer Closius "overreacted."
 - Administrative Staff employee Cynthia Bethel said Officer Closius used "excessive force" and overreacted."

- Associate Head Nurse Cheryl Cummings described Officer Closius' actions as "harassment and intimidation." She felt that the officer "used excessive force and physically assaulted an on-duty nurse."

c. The following MDPD Disposition Panel conclusions are erroneous:

- "Officer Closius contacted... Mr. Bart Armstrong, Legal Advisor of the Miami-Dade Police Department... [who said] that Officer could make a lawful arrest based on the actions demonstrated by Ms. Hollant." Mr. Armstrong's legal position regarding Mr. Hollant's arrest was documented in an email from Bart Armstrong to Major Ricky Smith, written four days after the incident. Officer Closius stated that he learned through the "chain of command that Police Legal agreed it was a proper arrest."
- "Ms. Hollant advised in her own statement that she ignored Officer Closius' request to withdraw the blood..." Ms. Hollant did not say this.
- "It was not necessary to hear Ms. Hollant's explanation since she already established a position, by her own actions, that she had no intention of assisting Officer Closius." Ms. Hollant's actions established that she intended to follow hospital procedure by reporting to her supervisor before performing her duties, not that she had no intention of assisting Officer Closius.

Observation to Promote Constructive Police/Citizen Interactions

Both the officer and the nurse had job requirements they needed to fulfill. The officer needed to get blood drawn from his subject within a time frame. The nurse needed to report to her supervisor for her shift assignment before commencing her shift. Grabbing a registered nurse, who was doing her job, to get her attention was disrespectful. Arresting her contributed to an adverse attitude on the part of some Ward D staff toward police officers.

Although the officer has the greater responsibility in making citizen contacts which inspire respect and generate cooperation, the nurse also had a professional responsibility to an officer who was seeking Ward D services for his subject. Yelling "police brutality" escalated the situation.

The actions of the police officer impacted the response of the nurse. The actions of the nurse impacted the response of the police officer.

Recommendations:

1. That MDPD Director Parker reassess the Internal Affairs investigation and discipline Officer Closius for overreacting, using excessive force and conduct unbecoming a county employee.
2. That MDPD require Officer Closius to receive anger management training to help him cope with stressful situations.
3. That MDPD and JMH develop a written joint policy statement to address police requests/orders and JMH Ward D nursing staff response.
4. That MDPD Director Parker review the MDPD Disposition Panel conclusions in light of the I.A. investigation and counsel the members of this MDPD disposition Panel on the necessity that dispositions be supported by documented facts.
5. That the Panel adopt the Committee findings and Recommendations, and conclude the complaint.